

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

KATIE CAPPUCCIO, } No. 8:23-CV-02026 FWS (DFMx)
Plaintiff, }
v. } ORDER SETTING SETTLEMENT
} CONFERENCE
CALIFORNIA STATE }
UNIVERSITY, FULLERTON, }
Defendants. }

A Settlement Conference will be held before the Court in Courtroom 6B of the Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Santa Ana, California, on **May 16, 2025, at 9:30 a.m.** The Court believes that consideration of settlement is a serious matter that requires thorough preparation before the settlement conference. Set forth below are the procedures the Court will require the parties to follow and the procedures the Court will typically employ in conducting the conference:

1. Attendance of Parties Required. Parties with full and complete settlement authority are required to personally attend the conference, together with trial counsel for each party. A corporate party shall send a representative

1 with full and complete authority to make settlement decisions. Defendant's
2 representative must have final settlement authority to commit Defendant to
3 pay, in the representative's sole discretion, a settlement amount recommended
4 by the settlement judge up to Plaintiff's prayer (excluding punitive damage
5 prayers), or up to Plaintiff's last demand made prior to the settlement
6 conference, whichever is lower. If the settlement decision will be made in
7 whole or in part by an insurer, the insurer shall send a representative with full
8 and complete authority to make settlement decisions. Failure to produce the
9 appropriate person(s) at the conference and/or failure to participate in good
10 faith may result in an award of costs and attorney's fees incurred by the other
11 parties in connection with the conference and/or other sanctions against the
12 noncomplying party and/or counsel.¹

13 2. In order to provide the parties with a starting point for their
14 settlement discussions with the Magistrate Judge, Plaintiff shall advise
15 Defendant of the terms upon which Plaintiff then is prepared to settle the case,
16 in a letter delivered or emailed no later than ten (10) court days prior to the
17 Settlement Conference. Within seventy-two (72) hours of receipt of Plaintiff's
18 settlement offer, Defendant shall respond to the same by letter advising
19 Plaintiff of the terms upon which such Defendant is prepared to settle the case.
20 The Court expects the parties to exchange good faith settlement offers. he

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¹ When a person whose personal attendance would otherwise be
23 required pursuant to the foregoing paragraphs resides outside Orange County,
24 the Court will consider excusing the personal attendance of such person, so
25 long as such person can and will be available by telephone during the entire
26 settlement conference. If a party desires to avail itself of this excuse from
27 personal attendance, counsel should so request in such party's Settlement
28 Conference Statement. After the party's Settlement Conference Statement is
submitted, counsel should contact the Court's courtroom deputy clerk to
ascertain whether the request has been granted.

1 Court expects the parties to exchange good faith settlement offers.

2 3. **Settlement Conference Statement.** At least five (5) court days
3 before the Settlement Conference, each party shall submit a Settlement
4 Conference Statement to the Magistrate Judge. The parties shall exchange the
5 Statements on the same date. These Statements shall not become a part of the
6 file of the case, but shall be for the use of the Magistrate Judge in preparing for
7 and conducting the settlement conference. Settlement Conference Statements
8 should be delivered to the Court by email to
9 dfm_chambers@cacd.uscourts.gov or directly to chambers on the Sixth Floor
10 of the Santa Ana Courthouse. The Statements may be in letter format and shall
11 not exceed ten (10) pages in length. The parties' respective Statements should
12 address:

13 A. A brief statement of the facts of the case, and of the claims and defenses
14 remaining to be tried, including the statutory or other grounds upon which the
15 claims are founded. This statement should identify the major factual and legal
16 issues in dispute, and cite any controlling authorities.

17 B. An itemized statement of the damages claimed, and of any
18 other relief sought.

19 C. A summary of the proceedings to date, including any case
20 management dates/deadlines already set by the District Judge.

21 D. A history of past settlement discussions, offers and demands,
22 including the most recent settlement offers exchanged pursuant to ¶ 2
23 above. A copy of such party's letter sent pursuant to ¶ 2 above should be
24 attached to such party's Settlement Conference Statement.

25 4. **Confidential Addendum.** Each party shall also prepare a
26 Confidential Addendum to Settlement Conference Statement, which shall be
27 delivered (or emailed) directly to the Magistrate Judge only, simultaneously
28 with the Settlement Conference Statement. The Confidential Addendum shall

not be filed with the Court or served upon the other parties. The Confidential Addendum shall contain:

A. A forthright evaluation of the party's likelihood of prevailing on each of its claims and/or defenses.

B. The approximate amount of attorney's fees, time and costs expended to date, and an estimate of the fees, time and costs to be expended for (i) further discovery, (ii) pretrial and (iii) trial.

C. The party's evaluation of the terms on which the other side is prepared to settle the case.

D. The party's evaluation of the terms on which the case could be settled fairly, taking into account the litigation position and settlement position of the other side.

5. **Format.** The Court will generally use a mediation format, that is, a joint session with opening remarks by the Court, followed by private caucuses.

6. **Conference Preparation.** The Court may, in its discretion, contact the parties after review of the Statements and Confidential Addenda to arrange a pre-settlement conference telephone call with counsel. The Court may ask the parties to submit addenda to their statements during this telephone conference.

Dated: April 22, 2025


DOUGLAS F. McCORMICK
United States Magistrate Judge